

MINUTES OF PLANNING AND ZONING COMMISSION

7:00pm, Tuesday, May 16, 2006

Present were Richard Grant – Chair, Eva Spear, Tim Healy, Ron Lestikow Doug Hill, and Nate Taylor (alternate). Also present was Tim McCumber, Town Administrator.

Mr. Grant began by stating the procedures and the rules for the day and called the Zoning Commission meeting to order. Grant opened a PUBLIC HEARING regarding the granting of a Conditional Use Permit in accordance with Section 6.02(1)(c) of the Town of Merrimac Zoning Ordinance allowing single-family dwellings in the Ag Conservation District to meet the requirements of the Residential (R-1) District and Section 7.02(3)(b) of the Town of Merrimac Zoning Ordinance to authorize the construction of an accessory building greater than 24' by 30' in area or greater than 14' in height; application by Michael J. and Carrie S. McGann, E13109 Solum Lane, Merrimac, WI 53561; Tax Parcel 0281-10000. Persons speaking in favor of the matter included Mike McGann, the applicant. McGann stated the design standards are not large enough for their tractors and equipment. He is on a 1-acre lot surrounded by his parents CRP land. He added that he attempted to construct the building without a Conditional Use Permit, but he cannot turn the tractor around. He said the structure will not be visible from the road and they are very concerned with the conservation of land and recognize that value. They have minimized the height of the structure as much as possible. The surrounding property owned by his parents is in the Baraboo Bluff Conservation Program and they family has an easement on the other properties. Grant made note of the use of the structure for items that may not be included for the storage of equipment for the use of the farm noting a wood working room. There are not services other than electricity to be provided to the structure. Mary Carol Solum on Solum Lane appeared in favor. She noted the McGann's have been good neighbors and has carefully planned this building so it will not be detrimental to the area and observes good land conservation. Grant asked Solum if being a nice guy would change the application of the ordinance if he is a bad guy and Solum added that his interpretation is correct. She also noted that a future land owner would be able make valuable use of the structure. No one appeared in opposition or as interest may appear. Motion to close the public hearing by Hill, second Spear. Motion passed.

Grant next opened a PUBLIC HEARING regarding the granting of a Conditional Use Permit in accordance with Section 7.02(3)(b) of the Town of Merrimac Zoning Ordinance to authorize the construction of an accessory building greater than 24' by 30' in area or greater than 14' in height in the Residential (R-1) District at E13693 Idlewild Rd., Tax Parcel 0054-00000; application by David Gerry, 717 Woodlawn Dr., Madison, WI 53716. Paul Kuehn, the general contractor for the project appeared in favor of the project. Kuehn noted he was not aware of the height restriction and found out later they were not in compliance or he would have attempted to make this appearance prior to the start of construction. He noted the footprint is very close to the ordinance and only the height is an issue to the ordinance. He provided photographs of the property from Hwy. 78/113 and down Idlewild noting that the structure not very visible and is not distractions. The main floor of the primary structure is 2,707 in square feet & there is 2,812 sq. ft. on the 2nd floor. The basement may have about 1,000 square feet but they have not determined the final plans in the basement. The home will be a 6-bedroom home if the basement is completed. The home has a 5,000 gallon holding tank. Kuehn noted the caretakers quarters could be an office or a changing room and it would not be a caretakers quarters. He noted that no one would live in the quarters on a full-time basis. Ron Zeman, the property owner next door testified the garage is well designed and fits the property well. Kuehn added they took into account the architecture of the house when planning the garage. If the garage were attached, it would interfere with the delivery of materials for construction, so they opted for this design plan. David Gerry spoke and asked for assistance in that he believes they got things messed up and out of order and will do whatever the commission requests. He wants to have at space for a showering facility and clubhouse for his son. He would never

rent the property out. No one appeared in opposition or as interest may appear. Motion to close the public hearing by Healy, second Taylor. Motion passed.

Grant then called the P&Z Commission to order. A motion to approve the minutes of March 21, 2006 was made by Spear, second by Hill. Motion passed.

The commission first Discussed and Considered a Certified Survey Map (CSM) approval to divide property in the Residential District, Parcel #0128-00000, CSM-1391; located on the NW corner of Grandview Ave. and Point of View Rd., property owned by Chris Weisskopf; Les Steffins, prospective buyer. Grant reported the commission's requests were met with this CSM as noted. Motion by Taylor, second by Hill to recommend approval to the Town Board. Motion passed. Next the Commission considered the granting of a Conditional Use Permit, CU 01-06, to authorize the construction of an accessory building greater than 24' by 30' in area or greater than 14' in height; application by Michael J. and Carrie S. McGann, E13109 Solum Lane, Merrimac, WI 53561; Tax Parcel 0281-10000. Grant said he feels it is important the Conditional Use should conform to the use of the property and feels this property applies. He also added the structure should not be serviced by anything other than electricity. Healy inquired about how it may look from Hwy. They McGann's added the color will conform to the house and Lestikow noted the structure will not be visible to anyone other than him. Taylor noted the addition of a porch brings the structure to at least 39' and the additional 3' is to be used for a porch structure and not an additional garage area. Hill moved to recommend approval to the Town Board, Spear, second. Motion passed unanimously. Next the commission discussed and considered the granting of a Conditional Use Permit, CU 02-06, to authorize the construction of an accessory building greater than 24' by 30' in area or greater than 14' in height in the Residential (R-1) District at E13693 Idlewild Rd., Tax Parcel 0054-00000; application by David Gerry, 717 Woodlawn Dr., Madison, WI 53716. Taylor opened the discussion. McCumber noted he did not realize the garage was a part of the initial application and notes his oversight even though the Zoning Ordinance nullifies non-qualifying structures. Kuehn noted that in talking to Kevin Rockweiler, the UDC inspector informed he had all of the permits he needed and that the garage did not need one. Grant said the building is going to be difficult to approve the structure adding that the ordinance does not allow for more than one habitable structure. Grant cited several accessory structures that have been denied through the Board of Appeals before the process was moved into this commission. He said that the Town cannot allow for a habitable structure based on historical application and noting the requirement for reasonable use to the property. Hill agreed the structure is attractive, but the addition of a habitable structure makes this tough to consider. Gerry spoke to the fact that the usage would be directly related to the property because of the direct tie in to the swimming pool. Gerry also added that he chose to protect a view corridor to the lake for his neighbors. Taylor noted a pool house doesn't need to be that large. Grant said the footprint is a minor item and he believes the convenience for pool showering is of value. Grant suggested the applicant might consider modifying the plans to show a ground floor showering facility. Spear noted she did not think the shower was a big deal. McCumber added floor clarification that an attached garage is a part of the main residence and is not subject to the same limitations as accessory structures. Grant moved to table the matter, Healy seconded. Motion passed. Grant amended the motion to table the matter to a time prior to August 1, 2006, seconded by Healy. The amended motion passed.

The Zoning Administrator reported that in 2006 we have issued 15 building permits valued at just \$1.280 million. This is 5 more than last year at the same time.

Motion to Adjourn by Hill, seconded by Spear. Motion carried.

Submitted by Tim McCumber, Zoning Administrator, Secretary